

# **Exhibit 5**

1 IN THE UNITED STATES DISTRICT COURT  
2  
3 NORTHERN DISTRICT OF CALIFORNIA  
4  
5 SAN FRANCISCO DIVISION

6 IN RE FACEBOOK BIOMETRIC INFORMATION PRIVACY  
7 LITIGATION,  
8 Master Docket No.: 3:15-CV-03747-JD

9 FREDERICK WILLIAM GULLEN,

10 Plaintiff,

11 vs. NO. 3:16-cv-00937-JD

12 FACEBOOK, INC.,

13 Defendant.

14  
15 \*\* TRANSCRIPT MARKED HIGHLY CONFIDENTIAL \*\*

16 VIDEOTAPED DEPOSITION OF OMRY YADAN

17 Palo Alto, California

18 Friday, October 26, 2017

19  
20  
21  
22  
23 Reported By:

24 LINDA VACCAREZZA, RPR, CLR, CRP, CSR. NO. 10201

25 JOB NO. 62536

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

October 26, 2017

9:17 a.m.

Deposition of OMRY YADAN, held at 3000 El Camino Real, Number 2-300, Palo Alto, California, pursuant to Subpoena before Linda Vaccarezza, a Certified Shorthand Reporter of the State of California.

1 Q. Okay. So let's go back, then.

2 What was your first role when you started  
3 at Facebook?

4 A. I worked on integration of Facer into  
5 Facebook.

6 Q. Okay. What is the difference between  
7 working on the integration of Facer at Facebook and  
8 implementing Facer at Facebook?

9 A. At that time Facer was already implemented  
10 so we maybe fixed a few bugs. And besides that, we  
11 worked on -- or I worked on making sure that it's  
12 working correctly operationally.

13 Q. So when you say it was already  
14 implemented, do you mean because it was using --  
15 because Facebook was using Face.com's API; is that  
16 right?

17 MR. NADOLENCO: Objection. Vague as to  
18 "using" and time.

19 THE WITNESS: Not because of that. I say  
20 that because as a system Facer was functional when  
21 Facebook acquired Face.com. So there was not much  
22 more development to do directly on Facer without  
23 getting into future research, for example.

24 BY MR. RHODES:

25 Q. So before you started working at Facebook

1 on some parts of it.

2 BY MR. RHODES:

3 Q. What parts of it did you work on?

4 A. I can't remember.

5 Q. Do you remember anything about it?

6 MR. NADOLENCO: Vague.

7 THE WITNESS: Yes.

8 BY MR. RHODES:

9 Q. Yes, you don't remember anything about it?

10 A. Yes, I remember some things about it.

11 Q. Okay. I'm just trying to get a sense of  
12 what that work was in a very general way. If you  
13 remember, what did you do as part of that process?

14 A. So it wasn't just me. I did some of the  
15 things, and it was five years ago. So I can't  
16 quite remember which of the things I did and which  
17 of the things other employees, other people working  
18 at Facebook did.

19 Q. Okay. But to the best of your  
20 recollection, what kinds of things did you do  
21 during that process?

22 MR. NADOLENCO: Vague as to "process."

23 But go ahead.

24 THE WITNESS: I made sure that the code is  
25 running, that it's using the proper tools and that

1 it's running reliably; meaning, if it's not working  
2 correctly, if it's actually crashing, running out  
3 of memory, things like that, then, you know, we  
4 would fix those problems. So I worked on the  
5 quality of the source code and then on the  
6 monitoring of the source code, of the system as it  
7 was running this production.

8 BY MR. RHODES:

9 Q. Okay. That's helpful. So essentially  
10 testing and troubleshooting; is that a fair  
11 characterization?

12 MR. NADOLENCO: Objection to the extent it  
13 misstates the testimony. He told you what he did.

14 But go ahead. Is that correct?

15 THE WITNESS: It's very general, testing  
16 and troubleshooting. That could be used to  
17 describe some of the work I've done.

18 MR. RHODES: Okay.

19 MR. NADOLENCO: Are we close to a break,  
20 Corbin?

21 MR. RHODES: Yeah, we can take a break  
22 now.

23 THE VIDEOGRAPHER: We are going off the  
24 record. The time is 10:30 a.m.

25 (Recess taken from 10:30 a.m. to

1 BY MR. RHODES:

2 Q. What does FAIR stand for?

3 MR. NADOLENCO: Same objections.

4 THE WITNESS: FAIR is Facebook AI  
5 Research.

6 BY MR. RHODES:

7 Q. And what is that?

8 A. It's a research organization within  
9 Facebook.

10 Q. Were you part of that organization?

11 A. I was.

12 Q. And what were your responsibilities as  
13 part of that organization?

14 A. Same as before. There was no change in  
15 responsibilities. So continue to develop Facer and  
16 continue to support face recognition inside  
17 Facebook.

18 Q. Okay. For Tag Suggestion?

19 A. Tag Suggestion is a product using face  
20 recognition. I never walked worked on Tag  
21 Suggestion.

22 Q. Okay. What did you work on if not Tag  
23 Suggestion?

24 A. Facer.

25 Q. Facer?